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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STIPULATION

BY AND THROUGH THEIR ATTORNEYS OF RECORD, THE PARTIES ENTER INTO
THE FOLLOWING STIPULATION AND RESPECTFULLY REQUEST ENTRY OF THE
PROPOSED ORDER BY THE COURT:

WHEREAS, Plaintiff Malik Swinton filed this action on September 26, 2017 (ECF No. 1);

WHEREAS, on October 2, 2017, Plaintiff Malik Swinton, by and through his counsel of record, served copies of the summons, complaint, and order setting initial case management conference on the U.S. Attorney General in Washington D.C. and the Office of the United States Attorney, Northern District of California (civil process-clerk) in San Francisco via certified mail with return receipt pursuant to Rule 4 (ECF Nos. 8, 9);

WHEREAS, in November and December, counsel of record discussed the service requirements under Rule 4;

WHEREAS, on December 7, 2017, plaintiff served the summons and complaint on the U.S. Attorney's Office in Oakland by personal service;

WHEREAS, counsel for the United States has agreed to file an initial responsive pleading on or before December 22, 2017;

WHEREAS, counsel for the United States will be out of the office during the time when the joint case management statement is currently due; and

WHEREAS, the parties agree that it would be prudent to postpone the initial case management conference and the associated deadlines with respect to the joint statement, initial disclosures and ADR certification as follows.

Accordingly, the parties stipulate as follows and respectfully request that the Court enter the proposed order below:

- 1) The last day to file a Rule 26(f) report, file ADR certifications, complete initial disclosures or state objection in Rule 26(f) report, and to file Case Management Statement per Standing Order re Contents of Joint Case Management Statement shall be January 23, 2018; and

3) The initial Case Management Conference shall be on January 30, 2018 at 1:30 p.m.

1 IT IS SO STIPULATED.
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4 DATED: December 20, 2017
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CABLE GALLAGHER
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9 By: /s/ Keith D. Cable*
10 KEITH D. CABLE
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13 Attorneys for Plaintiff SWINTON
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16 DATED: December 20, 2017
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BRIAN J. STRETCH
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United States Attorney
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23 /s/Jonathan U. Lee
24 JONATHAN U. LEE
25 Assistant United States Attorney
26 Attorneys for the United States
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*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury
that each signatory has concurred in the filing of this document.

15 **[PROPOSED] ORDER**
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: December 19, 2017
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HON. KANDIS A. WESTMORE
United States Magistrate Judge
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